

2. Remarks

The Examiner has maintained the rejection of independent claims 1, 9 and 14 as being anticipated by USP 4,184,657 to Jardine. The same claims are rejected as being anticipated by US patent publication 2004/0035992 to Watts. Applicant respectfully traverses the rejections for the reasons set forth in detail in the July 26, 2005 response filed in the application, and for the reasons set forth herein. The cams disclosed by Jardine and Watts lack any structure that is capable of providing an indication of cam placement quality. The Examiner argues that "the stepped gripping members are capable of correlating to the quality of cam placement in a rock." Applicant disagrees. As with any other cam on the market, an experienced climber may be able to look at the Jardine or Watts cam when it is placed in a crack and determine whether the placement is safe. But such a determination is based upon the climber's subjective judgment from viewing the cam as it is oriented relative to the rock. Even if the climber could see the stepped gripping members on the cam faces, the climber's assessment of the quality of cam placement is not based upon visualizing any indicia on the cam that indicates the quality of the placement.

In order to expedite allowance of claims directed to the invention, claims 1, 9 and 14 are amended herein to include a limitation such that the indicia is capable of indicating when cam placement is unsafe. By amending claims herein, Applicant is not conceding that the claims are anticipated by the references, or obvious in view of them, or acquiescing in the Examiner's bases for rejection. Applicant may pursue the broader coverage that is allowable in a divisional application.

The Jardine patent is discussed in detail in the July 26, 2005 response filed by Applicant and Applicant maintains those arguments. In a nutshell, Jardine discloses no structure or indicia that indicates the quality of the placement. Certainly there is no indicia that indicates when the placement is not safe.

The Watts cams have the same failings as Jardine as far as lacking any indicia that indicates to a climber the quality of cam placement. As with Jardine, Watts fails to describe any structure or indicia that indicates cam placement quality. Applicant's arguments above about Jardine, and those made in the July 26, 2005

response apply equally to the Watts reference. Moreover, like Jardine, Watts does not include indicia that indicates unsafe placement.

The Examiner further relies upon Watts' description in paragraph [0071] of a "color coding" system to reject claims having this limitation. But Watts' color coding system relates to the **size of the camming device 300 or head 302**. [Paragraph 0071.] Cams come in many different sizes, since cracks in rocks come in many different sizes. It is common practice to color code cams in the manner described by Watts—by coloring the entire cam or its head to indicate the size of the cam as Watts does: i.e., a red cam might be the "small" size, blue might be "medium" and green might be "large", the climber is given a quick reference for which cam to grab. The actual color used depends on the manufacturer. But Watts' color coding system has nothing to do with cam placement quality. It relates only to the size of the cam. This is very different from color coded indicia that indicates the quality of cam placement, as claimed.

Specific comments about selected claims follow, beginning with independent claims 1, 9 and 14.

Claim 1 is amended to recite that the visible placement indicia **indicates** the quality of cam placement in a rock, and includes indicia for **indicating when cam placement is not safe**.

Claim 9 is amended to recite that the cam members have indicia capable of indicating **unsafe** placement.

Claim 14 now recites that the visible indicia means include visual indicators indicating **unsafe** cam placement.

Neither Jardine's nor Watts' cams have indicia that **indicates** cam placement quality. Even if the Examiner's argument that the gripping members read on the claimed indicia (a position the Applicant disagrees with), there is nothing that indicates quality. Moreover, neither Jardine nor Watts can in any way indicate when placement is unsafe.

Claims 4, 11, 12 and 15 are amended to recite that the visible indicia comprises multiple color coded indicia. These claims are not anticipated by either Jardine or Watts, as neither includes the limitations found in the claims, and neither

discloses multiple color coded indicia. Although Watts describes color-coding for a cam sizing system, this is not the same as the claimed multi-colored indicia.

Each of claims 5, 6, 16 and 17 specifies a graduated scale marking in which the graduations correlate to cam placement quality. There is nothing in any reference cited by the Examiner that shows any graduated scale at all.

The Examiner rejects claims 7, 8, 12, 13 and 18-20 as obvious over Watts and Jardine, and the Examiner's taking of "official notice" of the use of green, yellow and red. Applicant traverses this basis for rejection. As noted, Watts' does not disclose a color coded system indicating cam placement quality; Watts' color coding system indicates cam size. Watts does not teach or suggest the claimed color system.

Regarding claims 8, 13 and 19, these claims specify that a colored zone in the multi-color marking system correlates to a predetermined portion of the rock-contacting surface of the cam. Neither Jardine nor Watts describe use of multi-colored indicia, and there is disclosure of such a system correlating to a predetermined portion of the rock-contacting surface.

The claims pending in the case are allowable over the prior art. Allowance of the application is respectfully requested.

Respectfully submitted,



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